

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

(1) MICHELLE LYN SHROPSHIRE,	)	
	)	
Plaintiff,	)	
	)	Case No. <b>22-CV-222-GLJ</b>
v.	)	
	)	
(1) TEAM LAWTON TRANSPORTATION,	)	Removed From
LLC,	)	Atoka County District Court
Defendants.	)	Case No. CJ-2022-22
	)	
	)	

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**NOTICE OF REMOVAL**

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TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO THE PARTIES  
AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT, Pursuant to 28 U.S.C. §1441, Defendant Team Lawton Transportation, LLC. (hereinafter “Defendant Team Lawton”), hereby removes this action from the District Court of Atoka County, State of Oklahoma, to the Federal District Court in the Eastern District of Oklahoma pursuant to 28 U.S. § 1332, 1441(a), and 1446. As grounds for removal, Defendant respectfully informs the Court of the following:

**PROCEDURAL REQUIREMENTS**

1. Pursuant to 28 U.S.C. § 1446(d), this Defendant will serve written notice of the filing of this Notice of Removal upon Plaintiff and will file a copy of the Notice of Removal with the Clerk of the District Court in and for Atoka County, State of Oklahoma.

2. Pursuant to LCvR 81.2, a copy of the State Court Action docket sheet and all documents filed in the State Court Action are attached as Exhibits 1-4. (See Ex. 1 – Atoka

County Court Docket Sheet; Ex. 2 – Plaintiff’s Petition; Exhibit 3(a) – (b) Summons; and Exhibit 4(a) – (b) Affidavit of Service. There is no scheduling order in the State Court Action. There are no pending motions.

### **BACKGROUND INFORMATION**

3. On May 5, 2022, Plaintiff filed her Petition in the District Court of Atoka County, State of Oklahoma, with the case caption *Michelle Lyn Shropshire v Team Lawton Transportation, LLC*, Case No. CJ-2022-22 (“state court action.”) See Exhibit 2, Plaintiff’s Petition.

4. Plaintiff seeks damages in excess of \$75,000. *Id.*

5. The subject lawsuit involves a motor vehicle collision that occurred on May 9, 2020, in Atoka County, Oklahoma. It is alleged that Maikel Rivero Pellicier, an employee of Team Lawton Transportation, LLC, struck the rear of Plaintiff Michelle Lyn Shropshire’s vehicle. *Id.*

6. Upon information and belief Plaintiff is a resident of Atoka County, Oklahoma. *Id.*

7. Defendant Team Lawton Transportation, LLC is a foreign corporation incorporated in the state of Texas, with its principal place of business in the state of Texas, and each of its members having citizenship in the State of Texas. *Id.*

8. Upon information and belief Defendant was served with a summons and a copy of the Petition on July 15, 2020. See Exhibit 4(a) – (b) Proof of Service Documents.

### **JURISDICTION**

9. This Court has removal jurisdiction over this lawsuit pursuant to 28 U.S. §§ 1441 and 1446 and based on diversity of citizenship between the Plaintiff and Defendant under 28 U.S.C. § 1332 and as alleged above.

10. Upon information and belief, as derived from Plaintiff's Petition, Plaintiff seeks an amount in excess of this Court's jurisdictional minimum of \$75,000.00, excluding interest and costs stated in 28 U.S.C. § 1332. See Exhibit 2.

11. Further, this Notice of Removal is timely filed with this Court, pursuant to 28 U.S.C. § 1446(b) and the Federal Courts Jurisdiction and Venue Clarification Act of 2011 ("JVCA"), because thirty (30) days since the last Defendant was served has not elapsed.

12. Additionally, pursuant to the same Federal Statute, one year has not elapsed since the commencement of this action.

13. Removal is being made to the proper Federal District Court. The pertinent language of 28 U.S.C. § 1446(a) provides that the Defendant shall file the Notice of Removal in "[T]he District Court of the United States for the district and division within which such action is pending." 28 U.S.C. § 1446(a). This matter is being removed from the District Court of Atoka County, State of Oklahoma, a county within the confines of the Eastern District of Oklahoma includes Atoka County. *See* 28 U.S.C. § 116(a).

14. Based on the above referenced statements and allegations removal of this matter to this Court is proper.

### **CONCLUSION**

This case is proper for removal to this Court based upon diversity of citizenship. Plaintiff is a citizen of Atoka and Defendant is incorporated and has citizenship outside the state of

Oklahoma. The amount of damages Plaintiff seeks exceeds the amount in controversy threshold. This Notice of Removal is also timely filed. Therefore, all requirements for jurisdiction in this Court are satisfied.

Respectfully Submitted,

s/Nicholaus A. Hancock

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*Attorneys for Defendant*

*Team Lawton Transportation, LLC*

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 8th day of August 2022, I electronically transmitted the foregoing/attached document to the Clerk of Court using the ECF System for filing. Counsel for Defendant further caused the foregoing/attached pleading to be served upon all counsel of record via U.S. Mail, postage prepaid, to:

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P.O Box 1369  
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*Attorney for Plaintiff*

s/ Nicholaus A. Hancock